

E-filed 2/27/07

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

EQUILON ENTERPRISES LLC, a Delaware
Corporation, d/b/a SHELL OIL PRODUCTS US,

Plaintiff,

v.

MEHDI SHAHBAZI, et al.,

Defendants.

Case Number C 05-05102 JF

ORDER¹ REQUESTING
ADDITIONAL INFORMATION RE
DISCOVERY

[re. docket nos. 100, 102, 115]

On January 26, 2007, Plaintiff Equilon Enterprises, LLC (“Equilon”) filed two motions for partial summary judgment as to counts I, II, and VII of the first amended complaint and to counts III, IV, V, and VI of the first amended complaint and Shahbazi’s counterclaims and affirmative defenses. On February 12, 2007, Defendant Mehdi Shahbazi (“Shahbazi”) moved for an extension of time to oppose the motion.² See Fed. R. Civ. Proc. 56(f). Shahbazi seeks an extension of ninety days. Equilon opposes the motion for an extension. Oral argument on the

¹ This disposition is not designated for publication and may not be cited.

² The deadline for a motion under Rule 56(f) was Friday, Feb. 9. Shahbazi submitted the motion three days late.

1 motions for partial summary judgment currently is scheduled for March 2, 2007.

2 Shahbazi seeks an extension on the basis that additional time for discovery is necessary in
3 order for him to oppose the pending motions. Shahbazi also notes that he is attempting to obtain
4 legal assistance from “some of the well-known law-firm [sic] in the country.” Motion 2.
5 Shahbazi asserts that he needs more information about the people who filed declarations in
6 support of Equilon’s motions. In particular, Shahbazi states that he hopes to obtain additional
7 information concerning conversations held between Pannu, Castelo and Kassebaum regarding
8 alleged deals that allegedly benefitted Mr. Pannu at the expense of Shahbazi. However, Shahbazi
9 is not specific regarding the facts he hopes to uncover or the discovery mechanism he would use
10 were an extension to be granted.

11 As the Court specifically instructed Shahbazi at the January 26, 2007 case management
12 conference, a Rule 56(f) motion requires an affidavit outlining the specific facts that Shahbazi
13 hopes to obtain through discovery. A party seeking relief under Rule 56(f) must show (1) that he
14 has set forth in affidavit form the specific facts he hopes to elicit from further discovery, (2) that
15 the facts sought exist, and (3) that these sought-after facts are “essential” to resist the summary
16 judgment motion. *California ex rel. Cal. Dep’t of Toxic Substances Control v. Campbell*, 138
17 F.3d 772, 779 (9th Cir. 1998). Shahbazi’s current motion, while more specific than others
18 Shahbazi has made in the past, is still deficient. Accordingly, Shahbazi shall provide the Court
19 with the information required by Rule 56(f) on or before March 13, 2007. The Court will
20 reschedule oral argument for the motions for partial summary judgment once it has received the
21 information it requests from Shahbazi. The hearing scheduled for March 2, 2007 is vacated. The
22 timing of the new hearing date will depend upon the adequacy of Shahbazi’s response to this
23 order.

24 IT IS SO ORDERED.

25 DATED: February 27, 2007

26 
27 JEREMY FOCHEL
28 United States District Judge

1 This Order has been served upon the following persons:

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